

M. J. Haden
Assistant Federal Defender
FEDERAL PUBLIC DEFENDER
FOR THE DISTRICT OF ALASKA
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Attorney for Defendant

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHNNY LEE NAPIER,

Defendant.

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

Case No. 4:04-cr-0033-JWS

AFFIDAVIT OF COUNSEL

ss.

M. J. Haden, being first duly sworn upon oath, deposes and states:

1. I am the attorney in the above-captioned case.
2. All the representations contained in the attached motion are true and correct to the best of my knowledge.
3. Following Mr. Napier's re-sentencing, I have discussed with him his further options regarding appellate review. Mr. Napier has expressed a desire to consult

with counsel outside of the Federal Defender's Office to discuss an ineffective assistance of counsel claim.

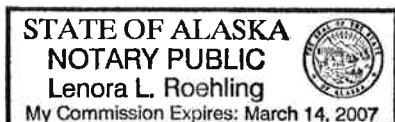
4. Because this creates an irreconcilable conflict of interest, this office is asking to be relieved and is asking for authority to appoint counsel from the CJA Panel list to represent Mr. Napier on appeal in this matter.

FURTHER YOUR AFFIANT SAYETH NAUGHT.



M. J. Haden

SUBSCRIBED AND SWORN to before me this 16th day of January, 2007.



Lenora L. Roehling
Notary Public in and for Alaska
My Commission Expires: 3/14/2007